

Application Serial No: 10/532,888
Responsive to the Office Action mailed: December 5, 2008

REMARKS

This Amendment is in response to the Office Action mailed December 5, 2008. Claim 1 is amended editorially and is supported, for example, in Figure 8. No new matter is added. Claims 1, 3 and 5-11 are pending.

Claims 1 and 11:

Claims 1 and 11 are rejected as being anticipated by Law (US Patent No. 6,164,446). Claims 1 and 11 are also rejected as being unpatentable over Law in view of Taniyama (US Patent No. 5,495,940). These rejections are traversed.

Claim 1 is directed to a case for holding a substantially rectangular cartridge that requires, among other features, a release member and a one latching member that are provided at any one of two corners defined by the pair of side faces and the rear surface of the cartridge in a state in which the cartridge has been installed. The release member and said one latching member are separate from each other. Also, said one latching member is provided to face one of the two sides of the cartridge defining the corner of the cartridge. Further, the release member is provided to face the other side of the two sides of the cartridge defining the corner of the cartridge.

Law alone or in combination with Taniyama does not teach or suggest these features of claim 1. The rejection interprets the hooks 60, 70 and the tab 74 of Law as the plurality of latching members and the release member, respectively, of claim 1. However, neither the hook 60 nor the hook 70 of Law can be interpreted as the one latching member of claim 1. As shown in Figure 1 of Law, the hook 70 is integrally formed with the tab 74 (see also column 3, lines 37-42 of Law). Thus, Law cannot disclose or suggest that the tab 74 and the hook 70 are separate from each other, as required by the release member and the one latching member of claim 1. While the hook 60 is separate from the tab 74, the hook 60 is also located at an opposite end of the disc from the tab 74 (see column 3, lines 5-15 and Figure 1 of Law). Thus, Law cannot disclose or suggest that the tab 74 and the hook 60 are provided at any one of two corners defined by the pair of side faces and the rear surface of a cartridge in a state in which the cartridge has been installed, as required by the release member and the one latching member of claim 1.

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Taniyama does not overcome these deficiencies of Law. Even if the data disc box of Law is modified by Taniyama to hold a rectangular cartridge, nowhere does Law or Taniyama contemplate that the tab 74 and the hook 60 or 70 are provided at any one of two corners defined by the pair of sides faces and the rear surface of the cartridge in a state in which the cartridge has been installed, as required by the release member and the one latching member of claim 1. Also, nowhere does Law or Taniyama contemplate that the hook 60 or 70 is provided to face one of the two sides of the cartridge defining the corner of the cartridge and the tab 74 is provided to face the other side of the two sides of the cartridge defining the corner of the cartridge, as required by the release member and the one latching member of claim 1. For at least these reasons claim 1 is not suggested by Law alone or in combination with Taniyama and should be allowed. Claim 11 depends from claim 1 and should be allowed for at least the same reasons.

Claims 3 and 5-11:

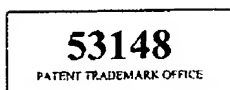
Claims 3, 7 and 11 are rejected as being unpatentable over Law in view of Chiu (US Patent Publication No. 20002/0100701). This rejection is traversed. Claims 3, 7 and 11 depend from claim 1 and should be allowed for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Claims 5 and 6 are rejected as being unpatentable over Law in view of Deja (US Patent No. 5,526,926). This rejection is traversed. Claims 5 and 6 depend from claim 1 and should be allowed for at least the same reasons described above. Applicant does not concede the correctness of this rejection.

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Conclusion:

Applicant respectfully asserts that claims 1, 3 and 5-11 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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DPM/ahk

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